

AREA PLAN COMMISSION OF TIPPECANOE COUNTY

EXECUTIVE COMMITTEE

MINUTES OF PUBLIC HEARING

DATEFebruary 5, 2003
TIME.....4:30 P.M.
PLACECO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Jack Rhoda
Karl Rutherford
Jan Mills
Mark Hermodson
Jeff Kessler

STAFF PRESENT

James Hawley
Don Lamb
Kathy Lind
Doug Poad
Krista Trout
Joanna Grama, Attorney
Michelle D'Andrea

Jack Rhoda called the meeting to order.

I. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the January 2, 2003, Executive Committee public hearing as submitted. Jan Mills seconded and the motion carried by voice vote.

II. NEW BUSINESS

A. SUBDIVISION COVENANTS

CREEKSIDE SUBDIVISION: The developer's attorney has submitted revised covenants to be recorded. They will be a complete replacement for the previously recorded document, which required Area Plan Commission approval for any changes.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

James Hawley read staff report with recommendation of approval.

Dan Teder, PO Box 280, Lafayette, IN, stated that Doug Mennen was present and available to answer any questions. He said that petitioner concurs with the staff report. He stated that originally there was 42 lots with 2 outlots, and the revisions are comprised of 41 lots with 3 outlots. He mentioned that there would be one

centralized leach field, instead of one per lot. He informed the Committee that the change in lots, outlots and leach fields addresses a lot of citizen concerns. He mentioned that the clause requiring APC approval was included in error and will be removed with approval of this petition. He asked for approval.

Jack Rhoda asked for clarification that everything would be contained in the leach field and there would be no drainage into the creek.

Dan Teder stated that there was never any intention of that. He stated that the system stays the same and the only change is that there will be a cluster of leach fields instead of one per lot. He mentioned that there was some citizen concern that one leach field per lot would get into the creek, and they have overcome that possibility with this revision. He informed the commission that the covenants had to be changed because it is a privately owned public sewer system.

Jack Rhoda asked where the leach field would be located in proximity to the creek.

Dan Teder stated that it would be located in the lot previously known as lot 42, in the northwest section of the subdivision. He mentioned that it is a substantial distance from the creek and farther than any of the other previously proposed plans.

Doug Mennen, 1221 S. Creasy Lane, Suite J, Lafayette, IN, stated that the leach field would be lot 41 which is the lot that the State Health Department identified as ideal. He mentioned that they said that particular lot had the best soil for the leach field.

Jack Rhoda asked for confirmation that digging of the wells was taken into consideration.

Doug Mennen reiterated that the new plan puts all the leach fields in one location, instead of one per lot, which is what a lot of citizens, objected to. He apologized to the Commission and Staff for the tribulations over the revisions. He said that they followed State regulations and some things should have been done through the local authorities.

Dan Teder stated that the lawyers were questioning the procedure on both sides.

Karl Rutherford asked for clarification as to who maintains the pumps and system.

Doug Mennen stated that there is a monthly sewer bill and the utility runs the entire system.

The Committee voted by ballot 4 yes to 0 no to approve **CREEKSIDE SUBDIVISION REVISED COVENANTS.**

B. TRANSPORTATION IMPROVEMENT PROGRAM:

RESOLUTION T-03-1: Resolution to amend the FY 2003 Transportation Improvement Program: City of West Lafayette, Eagle Wing Center, and INDOT projects.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

James Hawley recapped the staff report with recommendation of approval.

Jan Mills asked if the monies could be used for something other than roadways.

James Hawley stated that the enhancement grant is designated for a parking facility, which is transportation related. He said that it is not to be used for non-transportation related projects.

The Committee voted by ballot 4 yes to 0 no to approve **RESOLUTION T-03-1**.

Mark Hermodson joined the meeting, 4:46 p.m.

III. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Jan Mills seconded and the motion carried by voice vote.

James Hawley informed the Committee that **S-3273 ROBERTSON SUBDIVISION (MINOR-SKETCH)** needed to be continued to the February 19, 2003 Area Plan Commission meeting because notice to adjacent property owners were not sent out.

Jeff Kessler moved to continue **S-3273—ROBERTSON SUBDIVISION (MINOR-SKETCH)** to the February 19, 2003 Area Plan Commission regular public meeting. Jan Mills seconded and the motion carried by voice vote.

IV. APPROVAL OF THE FEBRUARY 19, 2003 APC PUBLIC HEARING AGENDA

III. NEW BUSINESS

Jeff Kessler moved that the following items of new business be placed on the February 19, 2003 Area Plan Commission Public Hearing Agenda:

A. ELECTION OF CITIZEN MEMBER

Jan Mills seconded and the motion carried by voice vote.

IV. PUBLIC HEARING

A. ORDINANCE AMENDMENTS

Jeff Kessler moved that the following ordinance amendment be placed on the February 19, 2003 Area Plan Commission Public Hearing Agenda:

1. UZO AMENDMENT #33

Jan Mills seconded and the motion carried by voice vote.

B. REZONING ACTIVITIES

Jeff Kessler moved that the following rezoning petitions be placed on the February 19, 2003 Area Plan Commission Public Hearing Agenda:

Z-2107—TIPPECANOE DEVELOPMENT (R1 TO NB)

Z-2108—TIPPECANOE DEVELOPMENT (R1 TO R1B)

Z-2109—WEST LAFAYETTE PUBLIC LIBRARY c/o THOMAS GALL

(CBW TO PDNR)

Z-2110—AREA IV DEVELOPMENT, INC. (I3 TO R1U)

Z-2111—R. GREGG SUTTER (A TO RE) (Gray Mare South Subdivision)

Z-2112—GORDON C. & DELIAH R. BUCK (I3 TO GB)

Jan Mills seconded and the motion was carried by voice vote.

C. SUBDIVISIONS

Jeff Kessler moved that the following subdivision petitions be placed on the January 15, 2003 Area Plan Commission Public Hearing Agenda at petitioners' request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3269—RAINEYBROOK SUBDIVISION, PART 2, SECTION 2 (MAJOR-PRELIMINARY)

S-3270—WINDING CREEK SUBDIVISION, SECTION 2 (MAJOR-PRELIMINARY)

S-3274—SWEETBRIAR 5TH SUBDIVISION (MAJOR-PRELIMINARY)

S-3275—KORTY KORNER SUBDIVISION, REPLAT OF LOT 7 (MINOR-SKETCH)

S-3277—SWEETBRIAR SUBDIVISION, PT 3 (MINOR-SKETCH)

S-3280—BIEN SUBDIVISION, REPLAT OF LOTS 543 & 544,

UNIVERSITY

FARM SUBDIVISION, PH. VI, PT. 2 (MINOR-SKETCH)

Jan Mills seconded and the motion carried by voice vote.

V. REVIEW AND APPROVAL OF THE FEBRUARY ABZA PUBLIC HEARING AGENDA

Jeff Kessler moved to place the following petitions on the February 26, 2003 Area Board Of Zoning Appeals Public Agenda.

1. **BZA-1629—HAWKINS OUTDOOR ADVERTISING**
2. **BZA-1630—FLAT CREEK RANGE, LLC**
3. **BZA-1631—JANE ANN WILSON**

Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

1. **BZA-1629—HAWKINS OUTDOOR ADVERTISING**

Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that the following petitions for Special Exception do not substantially, adversely affect the Comprehensive Plan.

1. **BZA-1630—FLAT CREEK RANGE, LLC**

Jan Mills seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

#2003-7—HAWKINS OUTDOOR

#2003-8—DAIRY QUEEN (POLLY PROPERTIES LLC)

Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

#2003-7—HAWKINS OUTDOOR

#2003-8—DAIRY QUEEN (POLLY PROPERTIES LLC)

Jan Mills seconded and the motion carried by voice vote.

VII. REVIEW AND APPROVAL OF THE JANUARY BUDGET REPORT

James Hawley asked for permission to use portion of the travel budget to send Sallie Fahey to a conference in Denver. He informed the Committee that she has volunteered to pay for transportation and lodging out of pocket and the office would be paying for the \$500 conference fee, meals and incidentals only. He explained that County Council had significantly reduced the budget and if the entire trip were paid for, it would consume half of the budget. He mentioned that it is illogical not to

continue to inform and educate our professionals. He asked for permission and authorization to allow her to go and pay for the registration costs.

Jeff Kessler moved to put the request for travel funds on the floor. Jan Mills seconded the motion.

Jeff Kessler stated he thought that that Sallie Fahey should go to the conference.

Jan Mills agreed.

Karl Rutherford asked for clarification as to which column on the budget report the monies would come out of.

The motion was carried by voice vote.

VIII. OTHER BUSINESS

Jack Rhoda asked James Hawley if the Area Plan office had received any efficiency suggestions.

James Hawley stated that none had been received so far. He said that since the deadline was February 19, 2003, he expected most of them to come in around that time.

IX. ADJOURNMENT

Jeff Kessler moved to adjourn the meeting. Jan Mills seconded and the motion carried by voice vote.

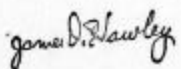
The meeting adjourned at 4:55 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley
Executive Director